

EXHIBIT G

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COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS DIVISION OF EMPLOYMENT AND TRAINING
Docket No. 343890

MICHAEL P. RODIO,
Claimant,

and

R.J. REYNOLDS TOBACCO CO.,
Appellant.

ORIGI AL

BEFORE:

Ronald N. Martell, Review Examiner
Hearings Department, Southeast Reg: 1
37 Main Street
Taunton, Massachusetts 02780
January 29, 2003, 12:00 p.m.
(Hearing takes place via telephone
conferencing)

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1 APPEARANCES:

2
3 South Middlesex Legal Services
4 (by Richard Patterson, Esq.)
5 354 Waverly Street
Framingham, Massachusetts 01702
for the Claimant.

6 R.J. Reynolds
7 (by Rebecca Wheeden, Senior unemployment
compensation analyst)
P.O. Box 2959
Winston Salem, North Carolina 27102
8 for Appellant/Employer.
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4
MR. MARTELL: I'm calling

2 81-508-620-1830. This is Ronald Martell from the
3 Massachusetts Division of Employment and Training.
4 I'd like to speak to Richard Patterson. This is
5 regarding a telephone hearing for Michael Rodio.

6 THE RECEPTIONIST: Please hold.

7 MR. PATTERSON: Hello, this is
8 Mr. Patterson.

9 MR. MARTELL: This is Ronald Martell
10 from the Massachusetts Division of Employment and
11 Training. I'm calling regarding the telephone
12 hearing regarding Michael Rodio.

13 MR. PATTERSON: Okay.

14 MR. MARTELL: And do you have
15 Mr. Rodio with you?

16 MR. PATTERSON: He's here, too.

17 MR. MARTELL: Now, can you hold on
18 and I'll see if I can reach his former employer on
19 the other line. If we get disconnected, just hang
20 up and I'll try to reach you again, but hopefully
21 this should work out all right. Just one minute,
22 please.

23 I'm now calling 81-336-741-6802.
24 I'm calling 823-8466.

MS. WHEEDON: Rebecca Wheedon.

MR. MARTELL: Hello, Miss Wheedon.

This is Ronald Martell from the Massachusetts
Division of Employment and Training. I'm calling
regarding the telephone hearing for Michael Rodio.
I have Mr. Rodio and his attorney on the other
line, and now can I -- can you hold on and I'll see
if I can connect both of you?

MS. WHEEDON: Can you repeat your
last name for me, please?

MR. MARTELL: It's Martell,
M-A-R-T-E-L-L. I'll connect both of you. Excuse
me.

MS. WHEEDON: All right.

MR. MARTELL: Mr. Patterson, can you
hear me all right?

MR. PATTERSON: Yes.

MR. MARTELL: And can you hear me
all right, Miss Wheedon?

MS. WHEEDON: Yes.
MR. MARTELL: Yes. Now, were you
supposed to contact a witness?

MS. WHEEDON: Yes. A Mr. Fasciani.

MR. MARTELL: Yes, okay.

1 MS. WHEEDEN: Yes, if you would hold
2 please and I'll patch him into the call.

3 MR. MARTELL: Hello. Mrs. Wheedon
4 is supposed to be contacting Mr. Fasciani.

5 MS. WHEEDON: Mr. Fasciani?

6 MR. FASCIANI: Here.

7 MR. MARTELL: Are you there,
8 Mr. Fasciani?

9 MR. FASCIANI: Yes, I am.

10 MR. MARTELL: And what is your
11 title, sir?

12 MR. FASCIANI: Division sales
13 manager.

14 MR. MARTELL: Okay. And your title,
15 Miss Wheedon, is senior unemployment compensation
16 analyst?

17 MS. WHEEDON: Yes.

18 MR. MARTELL: Now, Mr. Patterson,
19 now what is your -- what address do you want the
20 decision to go to?

21 MR. PATTERSON: South Middlesex
22 Legal Services, 354 Waverly Street.

23 MR. MARTELL: I'm sorry. What is
24 the address again?

2 MR. PATTERSON: 354 Waverley,
3 W-A-V-E-R-L-Y, Street

4 MR. MARTELL: Yeah.

5 MR. PATTERSON: Framingham 01702

6 MR. MARTELL: I'm sorry, the zip
code, 0 --

7 MR. PATTERSON: 1702

8 MR. MARTELL: 017 -- 01702?

9 MR. PATTERSON: Correct.

10 MR. MARTELL: Now, you have
11 Mr. Rodio with you. And now my name is Ronald
12 Martell, and I'm the review examiner in this case.
13 The hearing of course is being tape recorded, and
14 the tape recorder's on now, and your testimony will
15 be under oath.

16 And now did you receive copies of
17 the exhibits in the mail, Mr. Patterson?

18 MR. PATTERSON: Yes, we did.

19 MR. MARTELL: Now, there were some
20 exhibits that I didn't mark because they just
21 appeared to be letters of recommendation; but there
22 was some additional exhibits that were sent that I
23 did mark. Now the additional exhibits were sent
24 on a later date, and they include the -- a 1998

1 annual evaluation, 2000 evaluation, a -- now, this
2 looks like -- something, this is a -- this looks
3 like a written reprimand dated September 5, 2001,
4 and a written reprimand dated November 19, 2001.

5 Did you receive those exhibits, also,
6 Mr. Patterson?

7 MR. PATTERSON: Yes.

8 MR. MARTELL: Okay. And so -- you
9 have all the exhibits, also, Miss Wheedon?

10 MS. WHEEDEN: Yes.

11 MR. MARTELL: Okay. So after I --
12 well now in this particular case, it doesn't appear
13 that the claimant's separation was voluntary, so
14 the issue to be heard should be whether or not his
15 discharge was due to deliberate misconduct and
16 willful disregard of his (inaudible) or due to a
17 known violation of a reasonable and uniformly
18 enforced employer rule or policy. So after I
19 begin, I have to go through a brief formal opening
20 ceremony, then I'll have to swear in Mr. Rodio,
21 Miss Wheedon, and Mr. Fasciani and have you all
22 state your names for the record and then read the
23 exhibits into the record and verify some basic
24 claimant data and then we'll go directly into the

1 employer's testimony regarding the reason for
2 separation.

3 And which of you will be testifying
4 first for the employer? Will it be you, Miss
5 Wheedon, or you, Mr. Fasciani?

6 MS. WHEEDEN: It would be
7 Mr. Fasciani.

8 MR. MARTELL: Mr. Fasciani. Okay.
9 And you'll be able to testify, also. And then
10 you'll be cross-examined by the claimant's
11 attorney, Mr. Patterson, and then the claimant will
12 testify and he'll be questioned by his attorney,
13 and then following that, the employer also has a
14 right of cross-examination, and which of you will
15 be handling the cross-examination, direct
16 examination for the employer?

17 MS. WHEEDEN: I would be doing that.

18 MR. MARTELL: Okay, Miss Wheedon.

19 And you'll be able to question Mr. Fasciani, also,
20 Miss Wheedon.

21 MS. WHEEDEN: All right.

22 MR. MARTELL: And I'll be asking
23 questions, also, as we go along, so if you're
24 ready, we'll begin. Are you ready for me to begin,